

15.10.2020
D. List no.5
Bpg & Jks.
Allowed.

**CRM 7870 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with N.D.P.S. Case No.183 of 2020 corresponding to Suti Police Station Case no.368 of 2020 dated 06.08.2020 under Section 21(c)/29 of N.D.P.S. Act.

And

In the matter of: **Senarul Sk @ Senaul Sk @ Hela @ Hola.**
...Petitioner.

Mr. Anisur Rahaman. ...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.
...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The learned advocate for the petitioner submits that he is languishing in jail for 67 days in connection with the aforementioned case solely on the basis of a statement of the co-accused from whom the recovery was made. It is further submitted that the charge-sheet has already been submitted and, therefore, no further custodial interrogation is necessary.

The learned advocate appearing for the State opposes the prayer for bail. The learned advocate for the state showed his inability to apprise the Court as to whether the charge-sheet has already been filed or not, in absence of any instruction in this regard. However, it is fairly submitted that the petitioner was arrested on the basis of a statement of the co-accused.

After hearing the respective submissions and on perusal of the materials available on record and the fact that the petitioner was arrested on the basis of the statement of the co-accused although there was no recovery of contraband from his possession, we feel that the petitioner has been able to make out a case for taking an exception under Section 37 of the N.D.P.S. Act. The prayer for bail is allowed.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) only with two sureties of like amount subject to the satisfaction of the Special Court, Murshidabad, on condition that he will attend the case on each day and default on any solitary occasion, will disentitle him to avail the liberty of bail and it will be open to the Special Judge to cancel the bail without further reference to this Court. In addition, he will also meet the investigation officer, if the charge-sheet has not been filed as yet, once in a fortnight or when he is required for further investigation by the investigating officer.

CRM 7870 of 2020 is disposed of.

(Harish Tandon, J.)

(Shampa Sarkar, J.)